



Indiana Department of Education

SUPPORTING STUDENT SUCCESS

MEMORANDUM

TO: District Superintendents

FROM: Indiana Department of Education

DATE: June 5, 2009

SUBJECT: Legislation newly enacted

The regular 2009 legislative session concluded on April 29th. While the budget legislation (HB 1001) was not completed during regular session, there were several pieces of legislation enacted that will directly impact Indiana schools. This memorandum is intended to summarize that impact and provide updates regarding the Indiana Department of Education (IDOE) work to implement this legislation. Additional guidance will be forthcoming on many of these new laws.

BILL #	Date effective:	Summary:	Additional IDOE Comments
HEA 1462	Upon Enactment	Requires the Attorney General and IDOE to annually notify teachers that the Attorney General may defend suits against school personnel and that school personnel have qualified immunity for reasonable acts of discipline. Requires school corporations, charter schools, and accredited nonpublic schools to conduct an expanded criminal history background check before employing a potential employee in any position within the school corporation. Eliminates the requirement for a limited background check at the time of licensure. Adds possession of child pornography to the list of felonies for which a teacher may lose the teacher's license. Requires that IDOE maintain a	IDOE staff has met with the Indiana State Police to participate in their INkless program at no cost to school districts. Technology staff are developing a database that schools may report employees who have been convicted of one of the 19 felonies listed in IC-20-28-5-8, and are working with legal staff to ensure that all intentions of the law are met. IDOE is also developing a report for school districts to submit the contact information of all teachers to the DOE for a mailing from the State Superintendent, and Attorney General, explaining the teacher qualified immunity notice. All of this information will be sent to school superintendents within the next several days.

		publicly searchable database of information regarding employees reported to IDOE for certain offenses, and requires that school corporations report (and the database include) cases where a local governing entity takes “final action” with respect to an employee.	
HEA 1107	July 1, 2009	Enacts the Interstate Compact on Educational Opportunity for Military Children. Provides for the coordination of efforts among state agencies and other states to facilitate the transfer of students of military families between schools, including the transfer of educational and other records. Provides for the recognition of coursework to facilitate timely graduation of students of military families.	
HEA 1343	July 1, 2009	School dropout prevention. Creates the dropout prevention fund, to be administered by IDOE, to: (1) provide money for school corporation programs that identify students who are at risk of dropping out of school; and (2) provide appropriate interventions for those students. Requires grant applications to include accountability metrics.	Current drafts of the budget legislation would have the funds for this program coming from Alternative Education funds. Pending final budget legislation, IDOE's Finance staff will establish a fund center and assign an account manager. Program staff will define at- risk criteria and approve appropriate interventions and those funding limitations through a grant award. Grant award will contain closeout metrics and reporting mechanisms
HEA 1419	See adjacent summary info	Student discipline. Requires the governing body of a school corporation to develop an evidence-based plan for improving behavior and discipline in the school corporation. Requires school corporation discipline rules to incorporate a graduated system of discipline, which includes actions that may be taken in lieu of suspension or expulsion. Requires IDOE to develop a model evidence-based plan by June 2010 for improving student behavior and discipline.	The DOE is the process of identifying stakeholders to assist with development of the model plan—specifically, a group of administrators and/or professionals currently involved in the discipline process. The design of the committee will reflect the schools in Indiana with cross representation. Once established, the committee will begin to investigate current best practices, current legislation associated with school/student discipline, and current data concerning discipline in Indiana Schools. A major source of data will be derived from the suspension and expulsion reporting. Next, a model will

		School corporations will then have until July 1, 2011 to submit a plan for approval to IDOE based upon the model plan.	be developed based upon the information collected.
HEA 1479	July 1, 2009	Recruitment of educators from underrepresented populations. Requires IDOE to collaborate with nonprofit entities, the commission for higher education, and state educational institutions to develop initiatives focusing on the recruitment and retention of qualified educators from underrepresented populations and teacher shortage areas.	IDOE staff has continued to work with the TEACH Indiana group to identify resources to promote teaching to underrepresented populations. An outline of informational resources and examples is being developed. More information will be distributed to school superintendents in the coming months.
HEA 1581	July 1, 2009	Financial responsibility curriculum. Requires public schools (including charter schools) and accredited nonpublic schools to provide instruction in personal financial responsibility to students in grades 6 through 12. Allows a school to either incorporate financial responsibility materials into existing courses/curriculum, or provide a standalone seminar. State Board determines what form the requirement will take.	The State Board began discussion at its June 3 rd meeting, including review of resources available at http://doe.in.gov/octe/facs/IndianaFinLitEd-FrontPage.html and the specific Indiana Middle School units and High School courses that already meet the intent of this legislation. Based on the discussion, IDOE staff are preparing for further Board discussion and action at the August meeting. Initial discussions suggest that, if a school chooses to provide a seminar, the Board will expect this to be more than a one-time presentation. The Board also will consider creating a new multidisciplinary course (tentatively titled Personal Financial Responsibility) that could be taught by teachers of Business, Social Studies, or Family & Consumer Sciences.
HEA 1339	September 1, 2009	Revises the definition of school bus for purposes of the child restraint system law. Requires special purpose bus drivers to obtain a physical exam certificate. Requires IDOE to develop and distribute training materials for special purpose bus drivers to each school corporation by September 1, 2009.	IDOE is working on the special purpose bus driver training materials. An outline is in place and script writing, adding of photos etc. will begin in the near future. Training materials and information will be posted online by program area once complete. A sample physical exam form is available on the Office of School Transportation website: http://www.doe.in.gov/safety/sts.html

SEA 57	July 1, 2010	Requires the Division of Professional Standards by July 1, 2010 to set standards for sign language interpreters who provide services to children with disabilities in an educational setting	IDOE's Exceptional Learners division has been meeting to prepare a recommendation to the Professional Standards Board to develop guidelines for sign language interpreters
SEA 219	See adjacent summary info	<p>Effective July 1, 2009, requires school corporations to report vision test information to its governing body and superintendent. Further requires school corporations to report to IDOE, and IDOE to report to the legislature by October 1, 2010 (in electronic format), whether the modified clinical vision tests required in K/I:</p> <ol style="list-style-type: none"> 1) Were conducted at the school 2) If the tests were not conducted at the school, the reason for not performing the tests 3) If the tests were conducted at the school, the number of students tested. <p>Also requires IDOE to "make and continuously maintain" records of the actions it takes regarding waivers allowing schools to do vision acuity rather than modified clinical tests.</p>	Program staff is working with IT staff so that this data will be collected and maintained in electronic, user-friendly format.
HEA 1455	January 10, 2010	Requires IDOE to develop a document explaining aspects of autism including behaviors that students with autism may exhibit. This document is to be distributed to school corporations for distribution to non-certificated employees, as defined in 20-29-2-11.	IDOE will work closely with ISDH's Children with Special Healthcare Needs unit in developing the required document.

HEA 1389	July 1, 2009	Twenty-first century scholars. Requires each school corporation to provide each student who applies for free or reduced lunches under the national school lunch program with an enrollment form for the twenty-first century scholars program.	Enrollment forms are embedded in the grade 6, 7, & 8 Learn More mini magazines sent to schools in August (boxes will be addressed to building Principals). Applications are also available online: http://www.in.gov/ssaci/2345.htm .
SEA 263	July 1, 2009	Public school compensation payment schedules. Allows a public school corporation, the school for the blind and visually impaired, the school for the deaf, certain correctional institutions, and certain state institutions to enter into a 13 month compensation payment schedule for work performed during a normal nine or ten month school year.	
SEA 228	July 1, 2009	End of route inspection by bus drivers. Requires the operator of a school bus or special purpose bus to visually inspect each seat within the bus at the end of each trip during which passengers are transported to determine that no passengers remain on the bus. Requires the owner of a school bus or special purpose bus to report each incident in which a passenger is left on the bus to the local superintendent, and requires the local superintendent to report this information to IDOE. Makes a violation of these provisions a Class C infraction.	IDOE is creating new functionality in DOE Online to electronically report instances of a student or passenger remaining on a bus. The framework for these new data fields are currently in draft form and are nearing completion.
HEA 1311	July 1, 2009	Establishes a hearing aid program to be administered by the State Department of Health to assist certain children with payment for hearing aids. The hearing aid must be prescribed by a physician and dispensed by an audiologist, and the child may not have received a hearing aid via the program (for that ear) for	

		the previous three years. Eligible children may not be covered under private insurance, Medicaid or SCHIP, and priority is given to students under 14. Individuals, or schools on the individual's behalf, may apply to ISDH. Appropriation for the program contingent on the final version of the budget (HB 1001).	
SEA 440 Related language in HEA 1097	July 1, 2010	Requires ISDH to adopt rules concerning indoor air quality in schools and state agencies. Provides that after the ISDH inspects a school or state agency for indoor air quality as the result of a complaint, the ISDH must report certain information. Provides that, after June 30, 2009, if the ISDH amends the rules concerning health and safety requirements for school buildings and school sites, the ISDH must consider the effects of outdoor air quality when establishing criteria for school siting.	DOE has a representative on the ISDH's clean indoor air panel, and receives copies of air quality reviews from the ISDH. However, since jurisdiction for this law rests with ISDH, IDOE will not have further comments.
HEA 1323	July 1, 2009	Various motor vehicle matters. Allows a person who drives an authorized emergency vehicle to execute a lawful intervention technique involving a fleeing motor vehicle if the person has completed a training course that instructs participants in the proper execution of lawful intervention techniques. Requires the driver of a school bus to stop the school bus before crossing certain railroad tracks. (Current law requires the driver to stop only when carrying a passenger.) Authorizes an individual less than 18 years of age to operate a motor vehicle in which there are passengers if the licensed operator is accompanied by a parent,	

		guardian, or stepparent of the operator.	
HEA 1021	July 1, 2009	School and church bus matters. Provides that a school bus that is used as a church bus may be equipped with red lamps or flashing lights, or both, and a stop arm if the red lamps, flashing lights, and stop arm are rendered inoperable. Increases the penalty for recklessly passing a stopped school bus displaying an extended arm signal device from a Class B to a Class A misdemeanor if the offense causes bodily injury to a person. Requires a court to recommend the driving license suspension of a person who recklessly commits certain offenses resulting in bodily injury.	
HEA 1200	July 1, 2009	Physical examinations of bus drivers. Allows a physician who is licensed in Indiana or a state bordering Indiana to certify that an individual is physically able to drive a school bus.	